GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department– Revision Petition filed by Sri Madaka Veeraswamy S/o Venkataswamy, R/o Addateegala (V) and Mandal, East Godavari District, against the proceedings Ref.C5/2214/98, dated 15.12.2000 and confirmed by the Government vide G.O.Ms.No.76, SW(CV2) Dept., dt.22.7.2002 - under section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Revision Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms. No.23 Dated:27.02.2016

Read the following:

Ref: 1. Proceedings of the District Collector, East Godavari, Ref. C5/2214/98, dated:15.12.2000.
2. Appeal Petition filed by Sri Madaka Veeraswamy S/o Late Venkataswamy, East Godavari District before the M(TW)on dated: 28.04.2001.
3. G.O.Ms.No.76, SW(CV2) Dept., dt.22.7.2002.
4. Orders of Hon'ble High Court of A.P., Hyderabad in in WP No.16557/2002, dated: 05.08.2003.
5. E-Memo No.13626/CV.2/2002-4, S.W(CV.2) Department, dated: 22.09.2003.
6. Govt. Memo No.13626/CV.2/2002, S.W(CV.2) Department, dated: 07.11.2003, 02.11.2005, 06.12.2005.
7. Telegram No. 13626/CV.2/2002/15, S.W(CV.2) Department, dated: 17.12.2005.
8. Govt. Memo No.13626/CV.2/2002, S.W(CV.2) Department, dated: 07.01.2006.
9. Telegram No. 13626/CV.2/2002/15, S.W(CV.2) Department, dated: 07.11.2008.
10. Govt. Letter No. 13626/CV.2/2002-4, S.W(CV.2) Department, dated: 10.06.2010.
11. Govt. Memo No.13626/CV.2/2002, T.W(CV.2) Department, dated:24.02.2015.
12. Govt. Memo No.13626/CV.2/2002, T.W(CV.2) Department, dated:02.04.2015.

ORDER:

In the reference 1st read above the District Collector, East Godavari has issued orders canceling ST- Konda Kapu Caste Certificate of Sri Madaka Veeraswamy S/o Venkataswamy, R/o Addateegala (V) and Mandal, East Godavari District.

2. In the reference 2nd read above, Sri Madaka Veeraswamy has filed Appeal Petition before the Government against the said proceedings of the District Collector, East Godavari. After examining the said Appeal Petition Government have issued orders in the reference 3rd read above by rejecting the Appeal Petition of Sri Madaka Veeraswamy duly confirming the orders passed by the District Collector, East Godavari.

3. Aggrieved by the said orders, Sri Madaka Veeraswamy has filed W.P. No. 16557/2002 before the Hon'ble High Court of A.P., with a prayer to grant stay on the said proceedings of the District Collector, East Godavari as confirmed by the Government vide G.O.Ms.No.76, SW(CV2) Dept., dt.22.7.2002. The Hon'ble High Court of A.P., while disposing the said W.P., on 05.08.2003 has issued stay orders on the said proceedings of the District Collector, East Godavari/ G.O. passed by the Government and the matter is remitted to the Government to pass appropriate orders by giving an opportunity to the petitioner and to complete the said exercise within four weeks from the date of receipt of the order. There shall be status quo as to today with regard to social status of the petitioner. But due to

[P.T.O]

several administrative difficulties the matter could not be disposed before the said date however, after giving notices from time to time to the appellant through his counsel the matter has been examined by the Appellate Authority.

4. As per the said directions of the Hon'ble High Court of A.P., Hyderabad the Government have decided to review the orders passed on the reference 3rd read above and the appellant was requested to attend hearings scheduled on 18.10.2003, 06.12.2003, 08.11.2005, 19.12.2005, 02.01.2006, 28.01.2006, 10.11.2008, 25.06.2010, 28.02.2015 & finally on 18.04.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 6th to 12th read above.

5. Apart of hearing and as per the said directions of the Hon'ble High Court of A.P., Hyderabad, the matter has taken up for hearing and the Government after careful examination of the records/ the copies of evidences/academic record/ grounds filed by the Appellant and proceedings of the District Collector, East Godavari dated 15.12.2000, it is observed that the Appellant has not produced any relevant documents/material in support of his ST-Konda Kapu community claim before the Appellate Authority at the time of hearing except school record, which is generated based on declaration given by the parents. Hence it can be held that mere school certificates cannot be accepted as reflection of true caste of a person. Further there is no evidence that the Appellant belongs to ST-Konda Kapu Community and the Appellant failed to produce any evidence even though lot of opportunity was given to him even by the Government. Further the Appellant has failed to prove that his grandparents, parents or any relatives belong to ST-Konda Kapu community. Further, a old evidence of Appellant is self defeating. The burden, on the Appellant U/S 6 is not discharged. Hence Government have examined the entire record & material relevant to the instant case and it is decided that the Appellant obtained caste certificate fraudulently & the appellant belongs to OC-Kapu community and but not ST-Konda Kapu community and the Appellant has no iota of evidence to show that his grandparents, parents or any relatives belong to ST-Konda Kapu community. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, East Godavari.

6. The Government, in exercise of the powers conferred under Section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Revision Petition filed by Sri Madaka Veeraswamy S/o Venkataswamy does not deserve any interference. Hence, Proceedings of the District Collector, East Godavari issued vide Ref. C5/2214/98, dated:15.12.2000 and the G.O.Ms.No.76, SW(CV2) Dept., dt.22.7.2002 passed by the Government are hereby upheld and the Revision Petition filed by Sri Madaka Veeraswamy S/o Venkataswamy is hereby dismissed..

7. Consequently, the District Collector, East Godavari shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S. SOLOMON AROKIARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT(FAC)

To
The District Collector, East Godavari.

Sri Madaka Veeraswamy S.o late Venkataswamy,
Sri Madaka Rambabu S/o Veeraswamy,
Addateegala (V) & (M), East Godavari District.

[P.T.O]

M/s Ch. Dhananjaya, Advocate to the petitioner,
Plot No.8, H.No.1-2-234/13/8, Arvind Nagar Colony,
Near Indira Park, Hyderabad.

Copy to:

The Director, TCR& TI, AP, Hyderabad.
P.S. to Hon'ble Minister(SWE&TWE).
P.S. to Spl. Chief Secretary (TW).
The Registrar (Vigilance),
High Court of Andhra Pradesh, Hyderabad.

// FORWARDED:: BY ORDER //

SECTION OFFICER